



Commonwealth of Massachusetts State Ethics Commission

One Ashburton Place, Room 619, Boston, MA, 02108
phone: 617-727-0060, fax: 617-723-5851



SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 675

IN THE MATTER
OF
JOHN W. OHMAN

DISPOSITION AGREEMENT

The State Ethics Commission and John W. Ohman enter into this Disposition Agreement pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order of the Commission, enforceable in the Superior Court, pursuant to G.L. c. 268B, § 4(j).

On July 24, 2002, the Commission initiated, pursuant to G.L. c. 268B, § 4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268B, by Ohman. The Commission has concluded its inquiry and, on September 5, 2002, found reasonable cause to believe that Ohman violated G.L. c. 268B, § 5(g).

The Commission and Ohman now agree to the following findings of fact and conclusions of law.

1. Ohman is an elected official and serves as a delegate on the Barnstable County Assembly of Delegates. Ohman was designated to file a Statement of Financial Interests ("Statement"), in accordance with G.L. c. 268B and 930 CMR 2.00.
2. Ohman was required to file a Statement for calendar year 1999. Ohman filed his 1999 Statement 69 days late. In settlement of that matter, Ohman signed a disposition agreement and paid a \$500 civil penalty.
3. On December 5, 2001, Ohman was notified of his obligation to file a Statement for calendar year 2001.
4. On March 11, 2002, Ohman was mailed a 2001 form and instruction booklet. The Statement was required to be filed by May 28, 2002.
5. Ohman did not file his Statement on or before May 28, 2002.
6. On May 31, 2002, the Commission sent a Formal Notice of Lateness to Ohman, which was received on June 11, 2002. This Notice advised Ohman that a Statement had not been filed and was, therefore, delinquent and further, that failure to

file such a Statement within ten days would result in civil penalties. Therefore, the Statement was required to be filed by June 21, 2002.

7. The Notice also advised Ohman that his late filing of a Statement for a second time would lead to a doubling of the fine amount.

8. On June 24 and July 2, 2002, the Commission sent warning letters to Ohman advising him that his Statement had not been filed and was, therefore, delinquent.

9. Ohman filed his 2001 Statement with the Commission on August 16, 2002, 55 days late.

10. Ohman's failure to file a Statement within ten days of receiving the Formal Notice of Lateness was a violation of G.L. c. 268B, § 5(g).

11. General Laws c. 268B, § 4(d) authorizes the Commission to impose a civil penalty of up to \$2,000 for each violation of c. 268B. The Commission has adopted the following schedule of penalties for Statements or amendments to such Statements that are filed more than ten days after receipt of the Formal Notice of Delinquency:

1-10 days delinquent:	\$50
11-20 days delinquent:	\$100
21-30 days delinquent:	\$200
31 days or more:	\$500
Non-filing:	\$2,000

12. The Commission has adopted the following schedule for the repeated late filing of a Statement:

1-10 days delinquent:	\$100
11-20 days delinquent:	\$200
21-30 days delinquent:	\$400
31 days or more:	\$1,000
Non-filing:	\$2,000

13. Ohman filed his Statement over 31 days late. Therefore, based on the Commission's penalty schedule for the repeated late filing of a Statement, Ohman's penalty is \$1,000 dollars.

14. Ohman has not presented any mitigating circumstances.

In view of the foregoing violation of G.L. c. 268B by Ohman, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings on the basis of the following terms and conditions agreed to by Ohman:

- (1) that Ohman pay to the Commission the sum of \$1,000 as a civil penalty for violating G.L. c. 268B; and
- (2) that Ohman waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: April 23, 2003